

Application No. 10/755,022

REMARKS

Claims 1-33 are pending. By this Amendment, claims 1 and 25 are amended.

Claim Rejections Under 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Watson. The claims as amended provide for the limitation that the seal is an acoustic seal. In distinction, the seal 24 of Watson is clearly a weather seal as noted at col. 1, lines 71-75. Here it describes the cover 14 as a weather seal. It is clear from the context of the paragraph that the weather seal is effected by the cover 14 in conjunction with the seal 25. This is confirmed in col. 1, lines 17-23, where a condition sought to be alleviated by the Watson design is that of the presence of heavy snow cover on the Watson device. Watson then does not include all the elements of the claims as amended. Accordingly, it is requested that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 2-9, 11-13 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Bockwinkel.

As noted above, the claims as amended provide for the limitation that the seal is an acoustic seal. Watson is clearly a weather seal as noted above. Bockwinkel is a thermal seal. The door of Bockwinkel is a refrigerator door and thermal insulation is the clear objective of the Bockwinkel structure as noted in the Abstract. There is no structure, teaching, or suggestion in either Watson or Bockwinkel for the need or use of an acoustic seal. Accordingly, it is requested that the rejection be withdrawn.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Sherman. Claim 10 provides for composite acoustic barrier material and insulation disposed

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within the door assembly and the curb assembly. Watson provides for only a seal 25 along two sides of (or possibly peripheral to) the cover 14. See Watson Fig. 1. Sherman provides for insulation in the door structure only. Neither Watson nor Sherman discloses structure, teaching, or suggestion for the inclusion in the structure that the door mates with in the closed disposition, e.g. the curb assembly of the present claim 10. Accordingly, it is requested that the rejection be withdrawn.

Claims 14-21 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Bockwinkel and Sherman.

Claim 14 provides for disposing composite acoustic barrier material and insulation within the door assembly and the curb assembly. Claim 25 provides for a labyrinthine acoustic seal comprising a door portion operably coupled to the door assembly and a curb portion. Watson provides for only a seal 25 along two sides of (or possibly peripheral to) the cover 14. See Watson Fig. 1. Sherman provides for insulation in the door structure only. Bockwinkel, at best provides for a seal that is only peripheral to the door. Neither Watson, Bockwinkel, nor Sherman discloses structure, teaching, or suggestion for the inclusion in the structure that the door mates with in the closed disposition, e.g. the curb assembly of the present claims 14 and 25. Accordingly, it is requested that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Applicant respectfully traverses the examiner's assertion of indefiniteness. The claim provides for an acoustic seal interposed between the single layer door assembly and the curb assembly, wherein the seal is capable of contacting the single layer door assembly and the curb assembly when in the closed orientation, and wherein the acoustical smoke vent, when in the closed orientation achieves a sound transmission class of STC-45 or better. When closed, the acoustic seal is captured between the door assembly and the curb assembly. Capturing a seal between two components is the common structural arrangement for the sealing operation of most seals. In view of this, it is requested that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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